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Via E-Mail and US Mail

Office of the Secretariat
Commodity Futures Trading Commission
Three Lafayette Centre
1155 21st Street, N.W.
Washington, D.C. 20581

**Re: Rule Certification. NYMEX Submission 04.167 – Notification of
Amendment to Exchange Rule 8.55.**

Dear Ms. Jean Webb:

The New York Mercantile Exchange, Inc. ("NYMEX" or the "Exchange") hereby notifies the Commodity Futures Trading Commission ("CFTC") of an amendment to Exchange Rule 8.55, Classification of Offenses.

New subsection (9) to Exchange Rule 8.55(B) codifies the policy adopted at the time of the NYMEX/COMEX merger that a person, including a member, may not enter orders while present on the trading floor of a Division from which that person has not obtained trading privileges. This amendment will be effective Friday, December 3, 2004. Pursuant to Section 5c(c) of the Commodity Exchange Act ("Act") and CFTC Rule 40.6, the Exchange hereby certifies that the new amendments comply with the Act, including regulations under the Act.

Should you have any questions concerning the above, please contact the undersigned at 212-299-2940.

Very truly yours,

Nancy M. Minett
Vice President
Compliance Department

Attachments

cc: Thomas LaSala
Brian Regan

(Underlining and bold indicates additions.)

Rule 8.55 – Classification of Offenses

B) Minor Offenses

No Member, Member Firm, or any employee of the foregoing shall commit a violation of any of the following rules, which shall be deemed minor offenses of the Exchange.

(9) To enter an order, either in person, by telephone, or otherwise, from a location on the trading floor of a Division of the Exchange from which the Member has not obtained trading privileges.